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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MARC OPPERMAN, et al.,

Plaintiffs,

v.

PATH, INC., et al.,

Defendants.

Case No.: 13-cv-00453-JST

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER
SETTING PAGE LIMITS FOR
APPLICATION DEVELOPER
DEFENDANTS' MOTIONS TO DISMISS**

**THIS DOCUMENT RELATES TO ALL
CASES:**

Opperman v. Path, Inc., No. 13-cv-00453-JST
Hernandez v. Path, Inc., No. 12-cv-1515-JST
Pirozzi v. Apple, Inc., No. 12-cv-1529-JST
Gutierrez v. Instagram, Inc., No. 12-cv-6550-JST

1 Pursuant to Civil Local Rule 7-4(b) and this Court’s August 1, 2013 Order (*Opperman*
2 Dkt. No. 361), Plaintiffs in each of the above-captioned Related Actions (“Plaintiffs”) and
3 Defendants Chillingo, Ltd. (“Chillingo”), Electronic Arts, Inc. (“EA”), Facebook, Inc.
4 (“Facebook”), Foodspotting, Inc., Foursquare Labs, Inc., Gowalla, Inc. (“Gowalla”), Instagram,
5 Inc., Kik Interactive, Inc., Path, Inc., Rovio Entertainment, Ltd. (“Rovio”), Twitter, Inc.
6 (“Twitter”), Yelp! Inc., and ZeptoLab UK Limited (“ZeptoLab”) (collectively, the “Application
7 Developer Defendants”),¹ hereby stipulate as follows:

8 WHEREAS, on August 1, 2013, the Court directed the Parties to agree to a stipulation
9 regarding page limitations for the briefing relating to the Application Developer Defendants’
10 anticipated Motion(s) to Dismiss;

11 WHEREAS, on August 1, 2013, the Court set October 18, 2013 as the deadline for
12 Defendants to submit their Motion(s) to Dismiss;

13 WHEREAS, on August 1, 2013, the Court set a hearing on the Motion(s) to Dismiss for
14 January 22, 2014, at 9:30 a.m.;

15 WHEREAS, counsel for the Parties have met and conferred and have come to an
16 agreement, subject to Court approval, regarding page limits for briefing on the Application
17 Developer Defendants’ Motions to Dismiss;

18 NOW THEREFORE, the Parties stipulate as follows:

- 19 • Application Developer Defendants will file a joint omnibus Motion to Dismiss
20 with the following briefing page limitations:

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26 ¹ All references to the “Parties” shall collectively refer to all Application Developer Defendants
27 and all Plaintiffs.

<u>BRIEFING</u>	<u>PAGE LIMITATION</u>
Motion	55 pages
Opposition	55 pages
Reply	25 pages

- Defendants Facebook and Gowalla will file a single, supplemental Motion to Dismiss to address issues separate and apart from the joint omnibus Motion to Dismiss. Plaintiffs and their counsel agree that: (a) this joint Motion is being made in the interests of judicial economy; and (b) no commentary or arguments will be made exclusively as to the joint nature of this Motion. The Motion will be filed in accordance with the following page limitations prescribed by Local Rule 7-4(b):

<u>BRIEFING</u>	<u>PAGE LIMITATION</u>
Motion	25 pages
Opposition	25 pages
Reply	15 pages

- Defendants EA, Chillingo, Rovio, and ZeptoLab shall be collectively entitled to the following page limitations to address issues separate and apart from the joint omnibus Motion to Dismiss in a single, supplemental brief:

<u>BRIEFING</u>	<u>PAGE LIMITATION</u>
Motion	5 pages
Opposition	5 pages
Reply	3 pages

- Defendant Twitter shall be entitled to the following page limitations to address issues separate and apart from the joint omnibus Motion to Dismiss in a single, supplemental brief:

<u>BRIEFING</u>	<u>PAGE LIMITATION</u>
Motion	5 pages
Opposition	5 pages
Reply	3 pages

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DATED: September 26, 2013

Respectfully submitted,

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**PURSUANT TO STIPULATION, AND FOR GOOD CAUSE APPEARING, IT IS
SO ORDERED.**

Date: _____, 2013.

**HON. JON S. TIGAR
UNITED STATES DISTRICT JUDGE**

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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i), I, Brian R. Strange, hereby attest that concurrence in the filing of this document has been obtained from the above-listed counsel.

DATED: September 26, 2013

Respectfully submitted,

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